

***United States Court of Appeals  
for the Second Circuit***



**BRIEF FOR  
APPELLEE**



**76-6047**

**United States Court of Appeals**

**For the Second Circuit**

**76-6047**

**HEMPSTEAD BANK,**

*Plaintiff-Appellant,*

*against*

**JAMES E. SMITH, Comptroller of the Currency of the United States  
and THE CHASE MANHATTAN BANK, NATIONAL ASSO-  
CIATION,**

*Defendants-Appellees.*

**ON APPEAL FROM AN ORDER OF THE UNITED STATES DISTRICT  
COURT FOR THE SOUTHERN DISTRICT OF NEW YORK**

**BRIEF FOR DEFENDANT-APPELLEE THE CHASE  
MANHATTAN BANK, N.A.**

**MILBANK, TWEED, HADLEY & McCLOY**

*Attorneys for Defendant-Appellee*

**The Chase Manhattan Bank, N.A.**

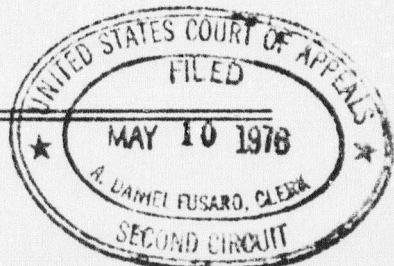
**1 Chase Manhattan Plaza**

**New York, New York 10005**

***Of Counsel***

**ANDREW J. CONNICK**

**RICHARD C. TUFARO**



# United States Court of Appeals

For the Second Circuit

76-6047

---

HEMPSTEAD BANK,

*Plaintiff-Appellant,*

*against*

JAMES E. SMITH, Comptroller of the Currency of the United  
States and THE CHASE MANHATTAN BANK, NATIONAL  
ASSOCIATION,

*Defendants-Appellees.*

---

ON APPEAL FROM AN ORDER OF THE UNITED STATES DISTRICT  
COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

---

## BRIEF FOR DEFENDANT-APPELLEE THE CHASE MANHATTAN BANK, N.A.

For the reasons set forth in the brief of defendant-appellee James E. Smith, Comptroller of the Currency of the United States which are adopted hereby, defendant-appellee The Chase Manhattan Bank, N.A. respectfully requests this Court to affirm the order of the United States District Court for the Southern District of New York (MacMahon, J.), denying the motion of plaintiff-appellant Hempstead Bank for summary judgment and granting summary judgment in favor of the defendants-appellees.

Respectfully submitted,

MILBANK, TWEED, HADLEY & McCLOY

*Attorneys for Defendant-Appellee*

The Chase Manhattan Bank, N.A.

1 Chase Manhattan Plaza

New York, N. Y. 10005

*Of Counsel*

ANDREW J. CONNICK

RICHARD C. TUFARO

May 10, 1976



UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

----- -x  
HEMPSTEAD BANK, :  
 :  
 :  
 Plaintiff-Appellant, : AFFIDAVIT OF  
 : SERVICE  
 -against- :  
 JAMES E. SMITH, Comptroller of the :  
 Currency of the United States and THE :  
 CHASE MANHATTAN BANK, NATIONAL ASSOCIATION, :  
 :  
 Defendants-Appellees. :  
----- -x

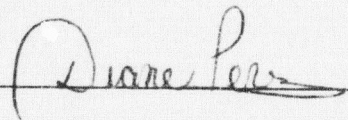
STATE OF NEW YORK )  
 : ss.:  
COUNTY OF NEW YORK )

DIANE PERESS, being duly sworn, deposes and says:


I am over the age of 18 years and am not a party to  
this action.

On May 10, 1976, I served two copies of the within  
Brief for Defendant-Appellee The Chase Manhattan Bank, N.A. on  
the attorney listed below by depositing true copies, thereof,  
securely enclosed in post-paid envelopes, addressed to such  
~~attorney at his office listed below~~ in a mailbox maintained  
by the Government of United States at 1 Chase Manhattan Plaza,  
New York, New York.

Gilbert Henoch, Esq.  
Dalton & Henoch  
50 Clinton Street  
Hempstead, New York 11550

  
\_\_\_\_\_

Sworn to before me this  
10<sup>th</sup> day of May, 1976

  
\_\_\_\_\_  
LOUIS A. WOLF  
NOTARY PUBLIC, State of New York

Wm. L. Bryant  
Sept 26  
1876